



WEB COPY



W.P.No.29130 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.29130 of 2022

G.Jayaraj

... Petitioner

Versus

1. Government of Tamil Nadu,
Rep by its Secretary to Government,
Revenue Department,
Fort.St.George,
Chennai-600 009.
2. The Additional Chief Secretary/Commissioner
of Revenue Administration,
Chepauk, Chennai-600 005.
3. The District Collector,
Collector's Office,
Thiruvannamalai.
4. The Principal Accountant General (A&E),
361, Anna Salai, Teynampet,
Chennai-18

... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the respondents to pay interest for the belated disbursement of retirement benefits i.e., (i) Commuted value of pension of Rs.2,76,090/- settled on 03.12.2020 (ii) DCRG (Death cum Retirement Gratuity) Rs.5,35,700/- settled on 03.12.2020 (iii) earned leave and unearned leave on private affairs of Rs.4,42,200/- settled on 03.11.2020 together with interest at the rate of 4% per annum from the date of the



W.P.No.29130 of 2022

retirement of the petitioner till the respective date of disbursement of the retirement benefits to him as per Madras Division Bench order reported in (2009) 3 MLJ page 1 (Order in W.A.No.886 of 2007 dated 17.12.2008. The Government of Tamilnadu represented by the Secretary to Government, Revenue Department, Chennai and another vs Deivasigamani within a period specified by this Court.

For Petitioner : Mr.S.Mani

For Respondents : Mr.N.Naveen Kumar
Government Advocate
For R.1 to R.3
Mr.V.Vijayashankar
For R.4

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to pay interest for the belated disbursement of the retirement benefits viz.,(i) Commuted value of pension of Rs.2,76,090/- (ii) DCRG (Death cum Retirement Gratuity) Rs.5,35,700/- and (iii) Earned leave and unearned leave on private affairs of Rs.4,42,200/-

2. Heard Mr.S.Mani, learned counsel for the petitioner and Mr.N. Naveen Kumar, learned Government Advocate accepts notice on behalf of the respondents 1 to 3 and Mr.V.Vijayashankar, learned counsel accepts notice on behalf of the fourth respondent. By consent of both the parties, the main writ petition has been taken up for final disposal.



W.P.No.29130 of 2022

WEB COPY

3. The petitioner claims interest at the rate of 4% p.a for the alleged belated payment. The petitioner also relies upon a Division Bench order of this Court dated 17.12.2008 in W.A.No.886 of 2007 reported in (2009) 3 MLJ 1 to substantiate his claim. The petitioner has given a representation on 17.05.2022, which has been duly acknowledged by the respondents as seen from the acknowledgement cards.

4. No prejudice would be caused to the respondents if the petitioner's representation seeking for payment of interest at the rate of 4% p.a for the alleged belated payment of retirement benefits is considered on merits and in accordance with law within a time frame to be fixed by this Court.

5. For the foregoing reasons, this Court directs the first respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 17.05.2022 seeking for payment of interest at the rate of 4% p.a for the alleged belated disbursement of retirement benefits to the petitioner, after due consideration to the judgment of the Division Bench of this



W.P.No.29130 of 2022

ABDUL QUDDHOSE,J.

WEB COPY

sr

Court, in the case of (*Government, Revenue Department, Chennai and another vs Deivasigamani*) in W.A.No.886 of 2007 reported in (2009) 3 MLJ 1 within a period of twelve weeks thereafter.

With the aforesaid direction, the writ petition is disposed of. No costs.

03.11.2022

sr

Index: Yes/No

Speaking Order/Non-Speaking Order

To

1. The Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Fort.St.George,
Chennai-600 009.
2. The Additional Chief Secretary/Commissioner
of Revenue Administration,
Chepauk, Chennai-600 005.
3. The District Collector,
Collector's Office,
Thiruvannamalai.
4. The Principal Accountant General (A&E),
361, Anna Salai, Teynampet,
Chennai-18

W.P.No.29130 of 2022